



# Wylie City Council

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## Minutes

### Wylie City Council Meeting

Tuesday, January 13, 2015 – 6:00 p.m.  
Wylie Municipal Complex – Council Chambers  
300 Country Club Road, Bldg. 100  
Wylie, TX 75098

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#### CALL TO ORDER

*Announce the presence of a Quorum.*

Mayor Eric Hogue called the meeting to order at 6:00 p.m. City Secretary Carole Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman Nathan Scott, Councilman Bennie Jones, Councilman David Dahl, Councilman Todd Wintters, and Councilman William Whitney III.

Staff present were: City Manager, Mindy Manson; Fire Chief, Brent Parker; Planning Director, Renae' Ollie; Chris Holsted, City Engineer; Finance Director, Linda Bantz; Mike Sferra, Public Services Director; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Wintters gave the invocation and Wylie Chamber of Commerce Executive Director Mike Agnew led the Pledge of Allegiance.

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#### PRESENTATIONS

- Presentation by the Wylie Baseball Softball Association to donate \$25,000 to the City of Wylie to assist in purchasing new bleacher covers for Community Park.

Lance Wallace, Wylie Youth Baseball Association President, presented a check for \$25,000 from the Wylie Youth Baseball Association to contribute to the new bleachers/covers for Community Park. Members of WYBA present included: Kevin Stewart, Sara LaBarba, and Matt Willis. Parks and Recreation Superintendent Robert Diaz also attended the presentation.

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#### CITIZENS COMMENTS ON NON-AGENDA ITEMS

*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.*

No citizens were present wishing to address Council during Citizens Comments.

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## **CONSENT AGENDA**

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*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Consider, and act upon, approval of the Minutes of the December 9, 2014 Regular Meeting of the Wylie City Council. *(C. Ehrlich, City Secretary)*
- B. Consider, and place on file, the City of Wylie Monthly Investment Report for November 30, 2014. *(L. Bantz, Finance Director)*
- C. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2014. *(L. Bantz, Finance Director)*
- D. Consider, and act upon, an approval of a Final Plat for Bozman Farm Estates Phase 4, establishing 55 single family residential lots and one open space lot on 15.672 acres to create Bozman Farms Phase 4, generally located east south of Stone Road near Wildflower Lane. *(R. Ollie, Planning and Zoning Director)*
- E. Consider, and act upon, Ordinance No. 2015-01, abandoning that northern portion of Right-of-Way described as a 70 ft. R.O.W. of Third Street consisting of 8,606 square feet. Generally located north of Oak Street and South of S.H. 78. *(R. Ollie, Planning and Zoning Director)*
- F. Consider, and act upon, Ordinance No. 2015-02, amending Planned Development 2006-55 (PD-2006-55) , Section IV Specific Regulations to allow no more than 2 garage doors to face the street, and that all 2:2 or 3:2 configurations must be architectural upgraded doors with decorative hardware; generally located west of F.M. 544, south of Alanis Drive. ZC 2014-11 *(R. Ollie, Planning and Zoning Director)*
- G. Consider, and act upon, Ordinance No. 2015-03, amending Planned Development 2005-24 (PD-2005-24) Braddock Place IV, Section IV Specific Regulations to allow no more than a two car garage door(s) to face the street on lots less than 12,000 s.f.; and that all 2:2 or 3:2 configurations must be architectural upgraded doors with decorative hardware; generally located south of Elm Drive and west of FM 544. ZC 2014-12 *(R. Ollie, Planning and Zoning Director)*
- H. Consider, and act upon, Ordinance No. 2015-04 of the City of Wylie, amending Ordinance No. 2014-30 (2014-2015 Budget) and approving an appropriation of funds in the amount of \$75,000.00 from the Park Acquisition and Improvement Fund for the purchase of bleachers and bleacher covers and deposit of \$25,000.00 of revenues into the Park Acquisition and Improvement Fund as a donation from the Wylie Baseball Softball Association; providing for a repealing, savings and severability clauses, and providing for an effective date of this Ordinance. *(M. Sferra, Public Services Director)*
- I. Consider, and act upon, rescinding the award of Bid #W2014-56-B Industrial Court Sanitary Sewer Line to Horseshoe Construction Inc. in the amount of \$117,265.00. *(G. Hayes, Purchasing)*

- J. Consider, and act upon, the approval of Resolution No. 2015-02(R) of the City Council of the City of Wylie, Texas, hereby authorizing the City Manager of the City of Wylie, Texas, to enter into an Interlocal cooperative purchasing agreement between the National Joint Powers Alliance® (NJPA) and the City of Wylie for the use of the NJPA contracts. *(G. Hayes, Purchasing)*
- K. Consider, and act upon, the approval of the purchase of roadway and bridge maintenance services from Collin County, Texas, through the use of Resolution No. 2014-23(R) dated September 9, 2014, in the estimated annual amount of \$150,000; and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing)*
- L. Consider, and act upon, the approval of the purchase of various vehicles and tire installation services from Goodyear Tire, NTB, Thomason Tire, Southern Tire Mart and Graham Truck Centers in the estimated annual amount of \$52,000.00 through a cooperative purchasing contract with the Collin County Governmental Purchasing Forum bid # 2015-10-15, and authorizing the City Manager to execute any necessary documents. *(G. Hayes, Purchasing)*
- M. Consider, and act upon, Resolution No. 2015-03(R) requesting the 84th Texas State Legislature to maximize the use of revenue from the sporting goods sales tax to support local grant opportunities and state park operations; and that all Texas Recreation and Parks Account funded projects be subject to the established Texas Parks and Wildlife Department competitive scoring system. *(R. Diaz, Parks and Recreation Superintendent)*
- N. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2014. *(S. Satterwhite, WEDC Director)*
- O. Consider, and act upon, Ordinance No. 2015-05 of the City of Wylie repealing Ordinance No. 2005-76 (Clean Fleet Vehicle Policy); adopting a new Clean Fleet Policy; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance. *(M. Sferra, Public Services Director)*
- P. Consider, and act upon, Ordinance No. 2015-06 of the City of Wylie, amending Ordinance No. 2014-30 (2014-2015 Budget) and approving an appropriation of funds in the amount of \$2,500 for the Municipal Court Technology Fund for the purpose of funding the additional costs associated with purchasing a new sound system for the courtroom; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance. *(R. Arp, Budget Officer)*

### **Council Action**

A motion was made by Councilman Scott, seconded by Councilman Wintters to approve Items A, B, C, D, E, F, G, H, I, K, L, N, and P as presented and remove Items J, M, and O for individual discussion. A vote was taken and the motion passed 7-0.

### **REGULAR AGENDA**

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- J. Consider, and act upon, the approval of Resolution No. 2015-02(R) of the City Council of the City of Wylie, Texas, hereby authorizing the City Manager of the City of Wylie, Texas, to enter into an Interlocal cooperative purchasing agreement between the National Joint Powers Alliance® (NJPA) and the City of Wylie for the use of the NJPA contracts. (G. Hayes, Purchasing)**

**Council Discussion**

Mayor Hogue asked Purchasing Manager Glenna Hayes to explain the resolution. Hayes reported the City is allowed, by statute, to purchase using existing contracts. Those contracts can be State contracts and other cooperative contracts. This particular request for the National Joint Powers Alliance supports baseball groups and will be used to purchase the bleachers/covers for the Community Park fields. This group had a better contract than others available to the City.

- M. Consider, and act upon, Resolution No. 2015-03(R) requesting the 84th Texas State Legislature to maximize the use of revenue from the sporting goods sales tax to support local grant opportunities and state park operations; and that all Texas Recreation and Parks Account funded projects be subject to the established Texas Parks and Wildlife Department competitive scoring system. (R. Diaz, Parks and Recreation Superintendent)**

**Council Discussion**

Mayor Hogue asked Parks and Recreation Superintendent Robert Diaz to explain the item. Diaz reported that he was involved with regional Parks and Recreation Departments. He explained that the representative from The Colony had requested councils adopt a resolution supporting the use of State revenue set aside for Texas Recreation and Parks Grants for that purpose and not redistribute to other State needs.

- O. Consider, and act upon, Ordinance No. 2015-05 of the City of Wylie repealing Ordinance No. 2005-76 (Clean Fleet Vehicle Policy); adopting a new Clean Fleet Policy; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance. (M. Sferra, Public Services Director)**

**Council Discussion**

Mayor Hogue asked Public Services Director Mike Sferra to explain the item. Sferra explained that the item was about air quality locally and in the region. The City joined the Clean Fleet Vehicle Program with the Council of Governments back in 2005. Since that time the program has been revised. This item is to update the City program to reflect those changes. With the adoption of this revised policy, the City will be able to compete for funding available through COG to replace fleet vehicles.

**Council Action**

A motion was made by Councilman Wintters, seconded by Councilman Scott to approve Consent Items J, M, and O as presented. A vote was taken and the motion passed 7-0.

**Tabled Items #1 and #2 from October 28, 2014**

**Motion to remove from the table and consider and act upon:**

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Jones to remove Items # 1 and #2 from the table and consider. A vote was taken and the motion passed 7-0.

1. **Continue a Public Hearing and consider, and act upon, amending regulations to Zoning Ordinance No. 2009-24, Article 6, Section 6.3 as it relates to district boundaries within the Downtown Historic District (ZC 2014-06).** *(R. Ollie, Planning and Zoning Director)*

### **Staff Comments**

Planning Director Renae Ollie addressed Council stating that the City Council has declared as a matter of ordinance that the preservation, protection, and use of landmarks and historic districts is a public necessity because they have a special character or a special historic, architectural, aesthetic, or cultural interest and value and thus serve as visible reminders of the history and heritage of the City of Wylie. The proposed amendments would extend the boundaries of the current Downtown Historic District to the west along Cottonbelt from Elliot to Brown, including properties north of Brown Street on Keefer.

Ollie explained additionally on the current agenda are proposed text amendments in an effort to establish clearer and concise design standards for new and renovated structures as well as modifications to the sign section of the ordinance.

Ollie reported, at its November 13, 2014 meeting, the Historic Review Commission considered revisions to the current Downtown Historic Ordinance to expand the boundaries of the Downtown Historic District to include properties west of the railroad. The boundaries would encompass properties along Cottonbelt from Elliot to Brown, including properties north of Brown Street on Keefer, and would rezone those properties from Single-Family 10/24 (SF-10/24) to Downtown Historic District (DTH). Citizen comments were received and primarily related to commercial uses along Cottonbelt. Most citizens were in favor of extending the boundaries, but did not want to see commercial uses mingled in with the residential uses in the proposed expanded areas. Other discussions focused on existing residential structures that did not conform to current DTH standards. Staff discussed non-conforming structures and how they are defined in Section 9.2 of the Zoning Ordinance. Ollie explained a non-conforming structure may continue, but may not be enlarged, altered or repaired except in conformity with the regulations of Article 9. In addition, infill regulations would be an option for some properties that are non-contributing.

Ollie reported the Historic Review Commission voted 5-0 to recommend approval of expanding the boundaries, with the stipulation that those lots included in the proposed expanded area are limited to residential uses only.

Ollie reported the P&Z Commission discussed at length the inclusion of those properties to the west of the railroad, and felt most of those properties do not have historic value worthy of preservation. Because the area consists primarily of homes built after the 1960's it was their decision that this would be trying to force regulations onto non-historic properties. It was the consensus of the Commission to deny the recommendation of the Historic Review Commission. The Commission voted 5-0 to recommend denial of the expansion.

Per Section 8.6.E.2 of the Zoning Ordinance, when a proposed zoning request is heard by the Council that has been denied by the Planning Commission, a three-fourths majority vote by the Council shall be required to modify the recommendation of the Commission.

### **Council Discussion**

Mayor Hogue asked why Items 1 & 2 were separate and whether they could be combined. Planning Director Ollie explained that the first item on the agenda is to extend the boundaries of the Downtown Historic District which is a zoning issue. This portion comes to Council with a recommended denial from

the Planning and Zoning Commission and would require a "super majority" to approve. The second item on the agenda is a text change to the district and comes with a recommendation of approval from both the Historic Review Commission and the Planning and Zoning Commission, thus they must remain separate.

Mayor Hogue asked Ollie what constitutes a historic house. Ollie replied the difference was in non-contributing, which is a house that is less than 50 years old; there are homes in the purposed area that were constructed less than 50 years old and are constructed of brick. The contributing structure would be homes built over 50 years ago or that have a historic character. These homes may not be recognized by the State or National Registry but are significant to Wylie.

Mayor Hogue asked Ollie if he owned a home in this proposed district and wanted to make changes to the home would he be able to do so. Ollie replied that the homes are grandfathered into the new regulations back to the time it was built; thus it would not have to conform to the new standards. However if the home was destroyed by fire or act of God and over 75% of its value was needed to rebuild, then it would be required to be built to the current standards. Ollie noted this is not just required for this proposed district but any home in Wylie per the zoning ordinance.

Mayor pro tem Stephens asked Ollie what regulations a new home built in the proposed district would fall under. Ollie replied that the owner could build according to the current zoning standards or build to the Historic District zoning designs. Mayor pro tem Stephens replied the new owner would get the best of both worlds.

Mayor Hogue reminded the Council that to approve the amendments, it would take a super majority vote (6 of 7 members) due to the recommendation of denial from the Planning and Zoning Commission.

### **Public Hearing**

Mayor Hogue continued the public hearing at 6:38 p.m. asking anyone present wishing to address Council to come forward.

Several citizens and members of the Historic Review Board were present to address Council, all in favor of approving the amended boundaries.

Mayor Hogue closed the public hearing on Item #1 at 6:50 p.m.

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Jones to **approve** amending regulations to Zoning Ordinance No. 2009-24, Article 6, Section 6.3 as it relates to district boundaries within the Downtown Historic District (ZC 2014-06). A vote was taken and the motion passed 7-0.

2. **Continue a Public Hearing and consider, and act upon, amending regulations to Zoning Ordinance No. 2009-24, Article 6, Section 6.3 as it relates to design standards within the Downtown Historic District (ZC 2014-06).** *(R. Ollie, Planning and Zoning Director)*

### **Staff Comments**

Planning Director Ollie addressed Council stating that the City Council has declared as a matter of ordinance that the preservation, protection, and use of landmarks and historic districts is a public necessity because they have a special character or a special historic, architectural, aesthetic, or cultural interest and value and thus serve as visible reminders of the history and heritage of the City of Wylie.

Ollie explained that primary changes include enlarging the total maximum allowable area from 64 sq. ft. to 70 sq. ft. for a single tenant space and not to exceed 100 sq. ft. for a multi-tenant building. Over the past few years several variance request have been approved by the Zoning Board of Adjustment as well as by the Construction Code Board to grant a variance relating to sign size. A majority of those requested dealt with the overall wall length in regards to the allowable sign dimensions. It was staff's opinion and ultimately approved by the Boards that there needed to be some flexibility when larger facades were being considered. The draft also provides clearer definitions for awning and canopy signs and better defining the difference between the two. A canopy sign is supported by the building and/or by ground supports. An awning is solely supported by the exterior wall of the building.

A new section has been incorporated into the ordinance to regulate area, material and placement of Specialty Signs, such as banners and incidental signs. This section would regulate the placement of special event banners within or across public right-of-ways. In addition, A-Frame, and incidental type signs are defined and allowed within the DTH. The purpose of these amendments is to eliminate clutter, while at the same time allowing for some flexibility and conformity within the downtown district.

Ollie explained that with the passing of Item #1, strike-outs in Sections B.1 and D.e in the proposed ordinance need to be included in the motion if Council considers approval of the proposed design standards.

### **Public Hearing**

Mayor Hogue continued the public hearing at 7:01 p.m. asking anyone present wishing to address Council to come forward.

Bob Heath spoke in favor of the changes.

Mayor Hogue closed the public hearing on Item #2 at 7:03 p.m.

### **Council Action**

A motion was made by Mayor pro tem Stephens, seconded by Councilman Scott to approve amending regulations to Zoning Ordinance No. 2009-24, Article 6, Section 6.3 as it relates to design standards within the Downtown Historic District and inclusion of strike outs in Sections B.1 and D.e based on approval of Item #1. (ZC 2014-06). A vote was taken and the motion passed 7-0.

3. **Hold a Public Hearing and consider, and act upon, a Replat for Premier Industrial Park North, Lot 3A-1R for the development of a warehouse/distribution center generally located north of Hensley Lane and approximately 852 feet west of Sanden Boulevard (911 Hensley Lane).** *(R. Ollie, Planning and Zoning Director)*

### **Staff Comments**

Planning Director Ollie addressed Council stating that the vacant property totals 3.21 acres. The property is zoned Light Industrial (LI) District. The applicant is EXCO Extruders and property is owned by WEDC. The applicant plans to construct a 30,000 square foot two story office/warehouse distribution facility along with light manufacturing functions.

The Planning and Zoning Commission does recommend approval of this item.

### **Public Hearing**

Mayor Hogue opened the public hearing at 7:06 p.m. asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council on this item.

Mayor Hogue closed the public hearing on Item #3 at 7:06 p.m.

### **Council Action**

A motion was made by Councilman Dahl, seconded by Mayor pro tem Stephens to approve a Replat for Premier Industrial Park North, Lot 3A-1R for the development of a warehouse/distribution center generally located north of Hensley Lane and approximately 852 ft. west of Sanden Boulevard (911 Hensley Lane). A vote was taken and the motion passed 7-0.

4. Consider, and act upon, Resolution No. 2015-01(R) establishing a public newspaper of general circulation to be the "Official Newspaper" for the City of Wylie. *(C. Ehrlich, City Secretary)*

**Mayor Hogue reported Councilman Whitney would be abstaining from discussion and vote on this item due to a Conflict of Interest.**

### **Staff Comments**

City Secretary Carole Ehrlich addressed Council stating that the Texas Local Government Code, §52.004 states that at the beginning of each fiscal year, municipalities must designate an official newspaper. This must be done as soon as practicable. The municipality shall contract with the newspaper designated by ordinance or resolution.

There are two requirements that must be met for a newspaper to meet the statutory requirements as a newspaper of general circulation. (a) Designating Official Newspaper. The publication must be a newspaper as defined by § 2051.044, Government Code. The section defines the term newspaper as:

§ 2051.044, (a)

1. Any newspaper devoting not less than 255 of its total column lineage to the caring of items of general interest.
2. Published not less frequently than once each week.
3. Entered as second class postal matter in the county where published; and
4. Have been published regularly and continuously not less than twelve (12) months prior to the making of any publication.

Ehrlich reported that both the Dallas Morning News-NeighborsGo and the Wylie News conform to the requirements of Government Code 2051.044.

### **Council Discussion**

Mayor Hogue asked Ehrlich why the item had not been placed on the Consent Agenda. Ehrlich replied, the costs received from the newspapers in question had changed from the previous year; therefore, it was placed on the regular agenda so Council could discuss and ask questions regarding the item. Mayor Hogue reported for the same ordinance caption the Wylie News was quoting \$138.24 and the DMN-NeighborsGo quoted \$66.80. He noted the large difference in cost.



Mayor Hogue stated that he had received an e-mail stating that the City could not contract with DMN-NeighborsGo because NeighborsGo did not hold a second class postal permit. Mayor Hogue stated that Council had received a verification letter from the DMN-NeighborsGo stating that the permit held by the Dallas Morning News was compliant with all editions of the NeighborsGo as a part of the DMN permit. He reported that he had also received an opinion from the City Attorney stating that both papers meet the requirements of the official newspaper.

Mayor Hogue asked why there was such a price difference between the DMN-NeighborsGo and the Wylie News. Ehrlich reported the DMN-NeighborsGo had honored the pricing from the previous year; however, the Wylie News had increased their pricing. Mayor Hogue asked what constitutes publication. Ehrlich reported publication means where the papers are delivered or distributed, not where they are printed. In both cases the papers are delivered to Wylie subscribers.

### **Council Action**

A motion was made by Councilman Wintters, seconded by Councilman Scott to establish the Wylie News as the "Official Newspaper" for the City of Wylie for 2015. A vote was taken and the motion passed 6-0-1 with Mayor Hogue, Mayor pro tem Stephens, Councilman Scott, Councilman Wintters, Councilman Jones, and Councilman Dahl voting for and none against with Councilman Whitney abstaining. (Form on file)

### **READING OF ORDINANCES**

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*Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.*

City Secretary Ehrlich read the captions to Ordinance No.'s 2015-01, 2015-02, 2015-03, 2015-04, 2015-05, and 2015-06 into the official record.

### **WORK SESSION**

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- **Hold a Work Session to discuss potential redevelopment of an existing Manufactured Home Park (Wylie Butane Mobile Home Park) to a mixed use (commercial & multi-family) development, generally located east of S.H. 78 and south of F.M. 544. (R. Ollie, Planning and Zoning Director)**

John Palmer with Gardner Capital presented to Council a proposal to redevelop 12.30 acres for Multi-Family and retail uses. The site currently houses approximately 100 mobile home units. The presentation showcased 132 units, including affordable and market rate multi-family dwellings. Unit features include 1, 2, & 3 bedrooms. Mr. Palmer briefly discussed the funding mechanism being proposed for the development and stated that they would be seeking tax credits through TDHCA. He further discussed the timeline for submission of the application to the State. The full application is due February 2015, with award notification in July 2015.

Council had concerns regarding the relocation of the existing residents of the Collins Mobile Home Park. Mr. Palmer stated that he would be visiting with the residents and working on a relocation plan and that it is feasible to say that some of the current residents would become residents of the new development. The developer will seek a resolution of support from the Council at its next meeting. The City Manager will get additional information from the City's Financial Advisor regarding the "Conduit Loan" funding mechanism and report back to the Council.

## **RECONVENE INTO REGULAR SESSION**

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Mayor Hogue reconvened into Regular Session at 8:23 p.m.

Mayor Hogue recessed into Executive Session at 8:43 p.m. reading the section below.

## **EXECUTIVE SESSION**

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*Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:*

### **§§Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.**

This chapter does not require a governmental body to conduct an open meeting:

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2) to hear a complaint or charge against an officer or employee.
- (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

- **Deliberation of settlement of dismissal of a police officer**

## **RECONVENE INTO OPEN SESSION**

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*Take any action as a result from Executive Session.*

Mayor Hogue reconvened into Open Session at 9:11 p.m.

5. **Consider, and act upon, Settlement Agreement and Release between the City of Wylie, Texas, and Ismael Wilfredo Hernandez and authorize the City Manager to execute the same.**

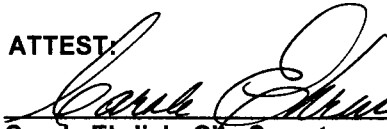
There was no action taken as a result of Executive Session.

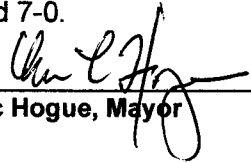
## **ADJOURNMENT**

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A motion was made by Councilman Scott seconded by Councilman Jones to adjourn the meeting at 9:13 p.m. A vote was taken and the motion passed 7-0.

ATTEST:

  
Carole Ehrlich, City Secretary

  
Eric Hogue, Mayor

